PATENT

Docket No.: 19603/3340 (CRF D-2018B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Qiu et al. Examiner: Serial No. 09/597,840 A. Kubelik Cnfim. No.: 6516 Art Unit: 1638 Filed June 20, 2000 For ENHANCEMENT OF GROWTH IN PLANTS

> NOTICE OF APPEAL AND REQUEST FOR THREE-MONTH EXTENSION OF TIME

Mail Stop: AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated December 17, 2002, finally rejecting claims 38,

Applicants hereby request an extension of time of three months from the due date of March 17, 2003.

A check in the amount of \$1,250.00 is enclosed to cover both the cost of the appeal fee and the extension of time fee. Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this

Respectfully submitted,

Dated: Nac 16, 2003

Edwin V. Merkel Registration No. 40,087

NIXON PEABODY LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1128

Facsimile: (585) 263-1600

Received from < 585 263 1600 > at 9/2/03 2:44:52 PM [Eastern Daylight Time]

Certificate of Mailing - 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date b